

BEFORE THE BOARD OF SANITARIANS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING ON
of ARM 24.216.402, pertaining to) PROPOSED AMENDMENT
fee schedule)

TO: All Concerned Persons

1. On February 3, 2006, at 10:00 a.m., a public hearing will be held in room B-07 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Sanitarians no later than 5:00 p.m., on January 27, 2006, to advise us of the nature of the accommodation that you need. Please contact Wayne Johnston, Board of Sanitarians, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2370; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2309; e-mail dlibsdsan@mt.gov.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.216.402 FEE SCHEDULE

(1) Application fee	\$50 <u>90</u>
(2) Examination	150
(3) Reexamination	150
(4) Renewal	50 <u>90</u>
(5) Late renewal (in addition to renewal fee)	50 <u>90</u>
(6) Sanitarian-in-training application fee	50 <u>90</u>
(7) All fees are nonrefundable.	

AUTH: 37-1-134, 37-40-203, MCA

IMP: 37-1-134, 37-40-101, 37-40-301, 37-40-302, ~~37-40-304~~, MCA

REASON: It is reasonable and necessary for the Board to amend ARM 24.216.402 in order to generate enough revenue to maintain the current level of services being offered and to accommodate the addition of two new Board members assigned in the 2005 legislative session by Chap. 126, Laws of 2005 (HB 203). Pursuant to 37-1-134, MCA, the Board is required to set its fees commensurate with costs, and is the reason why these fees need to be increased now. If the proposed fee increases are not approved at this time, the Board expects it will be operating with a negative cash balance by the next renewal period. The proposed fee increase is to fund

existing services only, and the only new expenses proposed are associated with the addition of the two new Board members. The Board's budget for FY 2006 is 24,897.00. The proposed fee increase is expected to raise the total anticipated revenue for FY 2006 to \$24,930.00, which would leave a positive cash balance for the Board of \$2,052.45.

The Board estimates, based on current licensing, that approximately 190 existing licensees will be affected by the increased renewal fee during the first renewal cycle, and that 30 of those licensees will also be affected by the increased late renewal fee. The Board estimates that based on recent trends, approximately 20 new applicants will be affected by the increases in the license application fees, and 20 applicants for the sanitarian-in-training fee. The Board estimates that the proposed fee increases will raise the Board's revenue by an aggregate of approximately \$10,400 per year.

In addition, there is reasonable necessity to amend the IMP citations to more accurately reflect the statutes being implemented by the rule, and to delete a reference to a statute repealed in 2005.

4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted by mail to Wayne Johnston, Board of Sanitarians, Department of Labor and Industry, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to dlibsdsan@mt.gov and must be received no later than 5:00 p.m., February 13, 2006.

5. An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at <http://sanitarian.mt.gov>, in the Rules Notices section. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The Board of Sanitarians maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Sanitarians administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Sanitarians, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-

2309, e-mailed to dlibsdsan@mt.gov or may be made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

8. Lon Mitchell, attorney, has been designated to preside over and conduct this hearing.

BOARD OF SANITARIANS
TED KYLANDER, CHAIRPERSON

/s/ MARK CADWALLADER
Mark Cadwallader
Alternative Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND
INDUSTRY

Certified to the Secretary of State January 3, 2006